



**[BILLING CODE: 6750-01S]**

## **FEDERAL TRADE COMMISSION**

### **16 CFR Chapter I**

#### **NOTICE OF INTENT TO REQUEST PUBLIC COMMENTS**

**AGENCY:** Federal Trade Commission.

**ACTION:** Notice of intent to request public comments.

**SUMMARY:** As part of its ongoing, systematic review of all Federal Trade Commission rules and guides, the Commission announces a modified ten-year regulatory review schedule. No Commission determination on the need for, or the substance of, the rules and guides listed below should be inferred from the notice of intent to publish requests for comments.

**DATES:** Effective [ INSERT DATE OF PUBLICATION IN THE FEDERAL REGISTER].

**FOR FURTHER INFORMATION CONTACT:** Further details about particular rules or guides may be obtained from the contact person listed below for the rule or guide.

**SUPPLEMENTARY INFORMATION:** To ensure that its rules and industry guides stay relevant and are not unduly burdensome, the Commission reviews its rules and guides on a ten-year schedule. Each year the Commission publishes its review schedule, with adjustments in response to public input, changes in the marketplace, and resource demands.

When the Commission reviews a rule or guide, it publishes a notice in the Federal Register seeking public comment on the continuing need for the rule or guide as well as the rule's or guide's costs and benefits to consumers and businesses. Based on this feedback, the Commission may modify or repeal the rule or guide to address public concerns or changed conditions, or to reduce undue regulatory burden.

The Commission posts information about its review schedule on its website,<sup>1</sup> thereby facilitating comment about rules and guides, and providing links in one location to comment requests, comment forms, and comments for rules and guides that are currently under review. The website also has a continuously updated review schedule, a list of rules and guides previously eliminated in the regulatory review process, and the Commission's regulatory review plan.

When the Commission published its regulatory review schedule for 2011-2020, it also sought input on ways to improve its regulatory review program.<sup>2</sup> The Commission received three comments in response.<sup>3</sup>

Two commenters, the Association of Home Appliance Manufacturers ("AHAM") and Whirlpool Corporation ("Whirlpool"), urged the Commission to reconsider its earlier decision to accelerate review of the Appliance Labeling Rule to 2012. AHAM explained, and Whirlpool concurred, that the Commission should avoid frequent rule revisions unless existing requirements are outdated, overly burdensome, or deficient. However, the Appliance Labeling Rule warrants a comprehensive review at this time that will allow the Commission to consider burden reductions associated with existing reporting requirements, explore ways to reduce the number of labels missing in showrooms, improve access to label information on retail websites, and consider whether additional consumer products should have energy labels. Therefore, the Commission has

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<sup>1</sup> <http://www.ftc.gov/ftc/regreview/index.shtml>.

<sup>2</sup> *Federal Trade Commission: Notice Announcing Ten-Year Regulatory Review Schedule and Request for Public Comment on the Federal Trade Commission's Regulatory Review Program*, 76 FR 41150 (July 13, 2011).

<sup>3</sup> These comments are available on the Commission's website at <http://www.ftc.gov/os/comments/regulatoryreviewschedule/index.shtml>.

proceeded with the scheduled review of the Appliance Labeling Rule, 16 CFR Part 305.

The Chamber of Commerce of the United States of America submitted a comment that noted the Commission's commitment to regulatory review and reduction of unnecessary burdens on business, but did not address the questions posed by the Commission, or any other aspect of the Commission's regulatory review plan. Rather, it expressed various concerns, principally relating to transparency and scope, regarding Commission enforcement of Section 5 of the Federal Trade Commission Act, 15 U.S.C. 45. The Commission notes that it is familiar with these concerns generally, has addressed them in various forums, and will continue to do so.

#### Modified Ten-Year Schedule for Review of FTC Rules and Guides

For 2012, the Commission intends to initiate reviews of, and solicit public comments on, the following guides:

(1) Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry, 16 CFR Part 20. **Agency Contact:** Jonathan L. Kessler, (216) 263-3436, Federal Trade Commission, East Central Region, 1111 Superior Ave E # 200, Cleveland, OH 44114-2577.

(2) Guides for the Jewelry, Precious Metals, and Pewter Industries, 16 CFR Part 23. **Agency Contact:** Reenah Kim, (202) 326-2272, Federal Trade Commission, Bureau of Consumer Protection, Division of Enforcement, 600 Pennsylvania Ave., NW, Washington, DC 20580.

(3) Guides for Advertising Allowances and Other Merchandising Payments and Services, 16 CFR Part 240. **Agency Contact:** Michael Bloom, (202) 326-2475, Federal Trade Commission, Bureau of Competition, 600 Pennsylvania Ave., NW, Washington, DC 20580.

The Commission is currently reviewing 22 of the 65 rules and guides within its

jurisdiction. Due to resource constraints caused by the large number of rules and guides under review, the Commission is postponing review of the following matters previously scheduled for review in 2012: Guides Against Deceptive Pricing, 16 CFR Part 233; Guides Against Bait Advertising, 16 CFR Part 238; Guides Concerning Use of the Word “Free” and Similar Representations, 16 CFR Part 251; and the Preservation of Consumers’ Claims and Defenses Rule [Holder in Due Course Rule], 16 CFR Part 433. It is postponing the reviews of the three guides until 2017, and the review of the rule until 2013.

The Commission is also consolidating its review of the Hart-Scott-Rodino Antitrust Improvements Act Coverage Rules, 16 CFR Part 801; and the Hart-Scott-Rodino Antitrust Improvements Act Exemption Rules, 16 CFR Part 802, with its next review in 2020 of the Hart-Scott-Rodino Antitrust Improvement Act Transmittal Rules.<sup>4</sup>

A copy of the Commission’s modified regulatory review schedule for 2012 through 2021 is appended. The Commission, in its discretion, may modify or reorder the schedule in the future to incorporate new rules, or to respond to external factors (such as changes in the law) or other considerations.

**AUTHORITY:** 15 U.S.C. 41-58.

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<sup>4</sup> The Hart-Scott-Rodino (“HSR”) program includes an ongoing review of all the HSR rules. In 2011, the Commission made significant changes to 16 CFR Part 803 by overhauling the premerger notification form. The Commission also amended the definition of “associates” in 16 CFR Part 801, and made minor amendments to several exemption rules in 16 CFR Part 802. *See* the Statement of Basis and Purpose, *Federal Trade Commission: Premerger Notification; Reporting and Waiting Period Requirements*, 76 FR 42471 (July 19, 2011) at <http://www.gpo.gov/fdsys/pkg/FR-2011-07-19/pdf/2011-17822.pdf>. As this review covered all sections of the HSR rules, it is appropriate to consolidate future reviews of these rules with the next scheduled review of 16 CFR Part 803. The Commission will accelerate these reviews if necessary.

By direction of the Commission.

Donald S. Clark  
Secretary.

APPENDIX  
REGULATORY REVIEW  
MODIFIED TEN-YEAR SCHEDULE

<b>16 CFR PART</b>	<b>TOPIC</b>	<b>YEAR TO REVIEW</b>
239	Guides for the Advertising of Warranties and Guarantees	Currently Under Review
254	Guides for Private Vocational and Distance Education Schools	Currently Under Review
259	Guide Concerning Fuel Economy Advertising for New	Currently
260	Guides for the Use of Environmental Marketing Claims	Currently Under Review
300	Rules and Regulations under the Wool Products Labeling Act of 1939	Currently Under Review
301	Rules and Regulations under Fur Products Labeling Act	Currently Under Review
303	Rules and Regulations under the Textile Fiber Products Identification Act	Currently Under Review
305	Appliance Labeling Rule	Currently Under Review
306	Automotive Fuel Ratings, Certification and Posting	Currently Under Review
308	Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992 [Pay Per Call Rule]	Currently Under Review
309	Labeling Requirements for Alternative Fuels and Alternative Fueled Vehicles	Currently Under Review
312	Children's Online Privacy Protection Rule	Currently

<b>16 CFR PART</b>	<b>TOPIC</b>	<b>YEAR TO REVIEW</b>
423	Care Labeling of Textile Wearing Apparel and Certain Piece Goods	Currently Under Review
424	Retail Food Store Advertising and Marketing Practices [Unavailability Rule]	Currently Under Review
425	Use of Prenotification Negative Option Plans	Currently Under Review
429	Rule Concerning the Cooling-Off Period for Sales Made at Homes or at Certain Other Locations	Currently Under Review
435	Mail or Telephone Order Merchandise	Currently Under Review
455	Used Motor Vehicle Trade Regulation Rule	Currently Under Review
700	Interpretations of Magnuson-Moss Warranty Act	Currently Under Review
701	Disclosure of Written Consumer Product Warranty Terms and Conditions	Currently Under Review
702	Pre-Sale Availability of Written Warranty Terms	Currently Under Review
703	Informal Dispute Settlement Procedures	Currently Under Review
20	Guides for the Rebuilt, Reconditioned and Other Used Automobile Parts Industry	2012
23	Guides for the Jewelry, Precious Metals, and Pewter Industries	2012
240	Guides for Advertising Allowances and Other Merchandising Payments and Services	2012
310	Telemarketing Sales Rule	2013
433	Preservation of Consumers' Claims and Defenses [Holder in	2013

<b>16 CFR PART</b>	<b>TOPIC</b>	<b>YEAR TO REVIEW</b>
	Due Course Rule]	
500	Regulations under Section 4 of the Fair Packaging and Labeling Act	2013
501	Exemptions from Requirements and Prohibitions under Part 500	2013
502	Regulations under Section 5(c) of the Fair Packaging and Labeling Act	2013
503	Statements of General Policy or Interpretation [under the Fair Packaging and Labeling Act]	2013
304	Rules and Regulations under the Hobby Protection Act	2014
314	Standards for Safeguarding Customer Information	2014
315	Contact Lens Rule	2015
316	CAN-SPAM Rule	2015
456	Ophthalmic Practice Rules (Eyeglass Rule)	2015
460	Labeling and Advertising of Home Insulation	2016
682	Disposal of Consumer Report Information and Records	2016
233	Guides Against Deceptive Pricing	2017
238	Guides Against Bait Advertising	2017
251	Guide Concerning Use of the Word “Free” and Similar Representations	2017
410	Deceptive Advertising as to Sizes of Viewable Pictures Shown by Television Receiving Sets	2017
18	Guides for the Nursery Industry	2018
311	Test Procedures and Labeling Standards for Recycled Oil	2018
436	Disclosure Requirements and Prohibitions Concerning Franchising	2018

<b>16 CFR PART</b>	<b>TOPIC</b>	<b>YEAR TO REVIEW</b>
681	Identity Theft [Red Flag] Rules	2018
24	Guides for Select Leather and Imitation Leather Products	2019
453	Funeral Industry Practices	2019
14	Administrative Interpretations, General Policy Statements, and Enforcement Policy Statements	2020
255	Guides Concerning Use of Endorsements and Testimonials in Advertising	2020
313	Privacy of Consumer Financial Information	2020
317	Prohibition of Energy Market Manipulation Rule	2020
318	Health Breach Notification Rule	2020
432	Power Output Claims for Amplifiers Utilized in Home Entertainment Products	2020
444	Credit Practices	2020
640	Duties of Creditors Regarding Risk-Based Pricing	2020
641	Duties of Users of Consumer Reports Regarding Address Discrepancies	2020
642	Prescreen Opt-Out Notice	2020
660	Duties of Furnishers of Information to Consumer Reporting Agencies	2020
680	Affiliate Marketing	2020
698	Model Forms and Disclosures	2020
801	[Hart-Scott-Rodino Antitrust Improvements Act] Coverage Rules	2020
802	[Hart-Scott-Rodino Antitrust Improvements Act] Exemption Rules	2020



<b>16 CFR PART</b>	<b>TOPIC</b>	<b>YEAR TO REVIEW</b>
803	[Hart-Scott-Rodino Antitrust Improvements Act] Transmittal Rules	2020
437	Disclosure Requirements and Prohibitions Concerning Business Opportunities	2021

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